

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JASON CRUMRINE,

Plaintiff,

- against -

VIVINT SOLAR, INC., et al.,

Defendants.

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ZHAOER LI,

Plaintiff,

- against -

VIVINT SOLAR, INC., et al.,

Defendants.

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ORDER

19-CV-5777 (FB) (JO)

19-CV-6165 (FB) (JO)

James Orenstein, Magistrate Judge:

In each of the captioned actions, the named plaintiffs assert securities claims on behalf of a putative class. *See* Docket Entry ("DE") 5.¹ On December 10, 2019, four groups of movants filed competing motions seeking to consolidate the two actions and appoint a lead plaintiff and lead counsel. *See* DE 6; DE 8; DE 10; DE 14. The court referred the motions to me by order dated December 11, 2019. Since then, the parties have effectively resolved the matter on consent: all of the motions have been withdrawn except for that of Billy Wallace ("Wallace") and Kyu S. Jang ("Jang"). *See* DE 17; DE 18; DE 19; DE 20. I therefore grant the latter motion and find the others moot.

All movants agree that the two actions should be consolidated. *See* DE 7 at 3-4; DE 9 at 3-4; DE 12 at 4; DE 16 at 3-4; *see also* 15 U.S.C. § 78u-4(a)(3)(B)(ii). The two complaints are substantially similar: they allege the same claims against the same defendants, on behalf of the same putative class. I therefore find consolidation is appropriate. *See* Fed. R. Civ. P. 42(a).

Moreover, there is now no dispute that Wallace and Jang should be appointed lead plaintiffs: they appear to possess the largest financial interest in the relief sought by the putative class and are, thus, presumed to be the most adequate to represent the class – a presumption that no other

¹ Unless otherwise indicated, all citations to filings in these cases refer to the *Crumrine* docket.

movant has sought to rebut. *See* 15 U.S.C. § 78u-4(a)(3)(B)(iii)(I), (II). They also satisfy the typicality and adequacy requirements for service as class representative. *See* Fed. R. Civ. P. 23(a)(3), (4).

For the reasons set forth above, I grant the motion of Billy Wallace and Kyu S. Jang and find the remaining motions to be moot.

Dated: Brooklyn, New York
March 23, 2020